



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1997

Mr. Mitchell S. Milby
Assistant City Attorney
Municipal Building
Dallas, Texas 75201

OR97-0531

Dear Mr. Milby:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104308.

The City of Dallas (the "city") received a request for list of vendors and prices quoted on a particular bid number. You claim that the information is excepted from required public disclosure by section 552.104 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.104 excepts information that, if released, would give advantage to a competitor or bidder. The purpose of this exception is to protect the interests of a governmental body in competitive bidding situations. *See* Open Records Decision No. 592 (1991). Section 552.104 is not designed to protect the interests of private parties that submit information to a governmental body. *Id.* at 8-9. This exception protects information from public disclosure if the governmental body demonstrates potential specific harm to its interests in a particular competitive situation. *See* Open Records Decision Nos. 593 (1991) at 2, 463 (1987), 453 (1986) at 3. You explain, however, that the bids submitted in this instance were valid until December 31, 1996. Section 552.104 is inapplicable when the bidding on a contract has been completed and the contract is in effect. *E.g.*, Open Records Decision No. 541 (1990) at 5, 514 (1988) at 2, 319 (1982) at 3. Because the bids are no longer valid, section 552.104 is inapplicable. The city may not withhold the requested information from required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 104308

Enclosures: Submitted documents

cc: Mr. Mark A. Leath
Bid Administrator
Sirchie
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(w/o enclosures)